

## Acts (2014)

### Chapter 284

#### AN ACT RELATIVE TO THE REDUCTION OF GUN VIOLENCE

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the sale and possession of firearms in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. Section 167A of chapter 6 of the General Laws, as amended by section 1 of chapter 77 of the acts of 2013, is hereby amended by adding the following subsection:-

(h) Notwithstanding any general or special law to the contrary, the department shall transmit to the attorney general of the United States any information in its control required or permitted under federal law to be included in the National Instant Criminal Background Check System or any successor system maintained for the purpose of conducting background checks for firearms sales or licensing. No more information than is necessary for the purposes stated above shall be transmitted, and such information shall not be considered a public record under clause Twenty-sixth of section 7 of chapter 4 and section 10 of chapter 66.

SECTION 2. Subsection (a) of section 172 of said chapter 6, as appearing in the 2012 Official Edition, is hereby amended by adding the following clause:-

(31) A person licensed pursuant to section 122 of chapter 140 may obtain from the department data permitted under section 172L.

SECTION 3. Said chapter 6 is hereby further amended by inserting after section 172K the following section:-

Section 172L. Notwithstanding section 172 or any other general or special law to the contrary, a person licensed pursuant to section 122 of chapter 140 shall obtain from the department all available criminal offender record information prior to accepting a person as an employee to determine the suitability of such employee who may have direct and unmonitored contact with firearms, shotguns or rifles. A person obtaining information pursuant to this section shall not disseminate such information for any purpose other than the further protection of public safety.

SECTION 4. Section 18  $\frac{3}{4}$  of chapter 6A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following clause:-

(10) to develop a biennial report to be sent to the clerks of the house of representatives and senate, the house and senate committees on ways and means and the house and senate chairs of the joint committee on public safety and homeland security not later than March 1 of every even-numbered year. The report shall contain, but not be limited to, the following information: (i) statistics related to firearms crimes; (ii) arrests and prosecutions of firearms-related offenses, to serve as an examination of the effectiveness of the commonwealth's firearms-related regulations; (iii) aggregate data on

the source of firearms that have been confiscated and identified as being used in a crime or in an attempted or completed suicide during the report period, including aggregate information on the manufacturer, state of origin and last known point of sale, transfer, loss or theft of such firearms; (iv) an explanation of substantial changes in state and federal firearms-related laws and firearms-related statistics in the commonwealth; and (v) the effectiveness of section 128B of chapter 140.

SECTION 5. Section 6 of chapter 22C of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Subject to appropriation, the commonwealth fusion center shall assist the offices of the attorney general and district attorneys in the investigation and prosecution of state firearm crimes; provided, however, that the colonel may establish within the division a special unit known as the criminal firearms and trafficking unit to assist the offices of the attorney general and district attorneys in the investigation and prosecution of state firearm crimes.

SECTION 6. Chapter 69 of the General Laws is hereby amended by inserting after section 1O the following section:-

Section 1P. (a) As used in this section the term “safe and supportive schools” shall mean schools that foster a safe, positive, healthy and inclusive whole-school learning environment that: (i) enables students to develop positive relationships with adults and peers, regulate their emotions and behavior, achieve academic and non-academic success in school and maintain physical and psychological health and well-being; and (ii) integrates services and aligns initiatives that promote students’ behavioral health, including social and emotional learning, bullying prevention, trauma sensitivity,

dropout prevention, truancy reduction, children's mental health, foster care and homeless youth education, inclusion of students with disabilities, positive behavioral approaches that reduce suspensions and expulsions and other similar initiatives.

(b) Consistent with the framework recommended by the behavioral health and public schools task force created under section 19 of chapter 321 of the acts of 2008, the department of elementary and secondary education shall develop a safe and supportive schools framework. The framework shall provide guidance and support to schools to assist with the creation of safe and supportive schools that improve education outcomes for students.

(c) Subject to appropriation, any city, town or school district, by vote of its school committee, may implement the safe and supportive schools framework developed under subsection (b) in order to organize, integrate and sustain school and district-wide efforts to create safe and supportive school environments and coordinate and align student support initiatives.

(d) The self-assessment tool created by the department consistent with the recommendations of the behavioral health and public school task force created under said section 19 of said chapter 321 shall be organized according to the elements of the framework established under subsection (b), and shall be used by schools to: (i) assess the school's capacity to create and sustain safe and supportive school environments for all students; (ii) identify areas where additional school-based action, efforts, guidance and support are needed to create and maintain safe and supportive school environments; and (iii) create action plans to address the areas of need identified by the assessment.

The board shall develop procedures for updating, improving or

refining the safe and supportive schools framework and the safe and supportive schools self-assessment tool, in consultation with the safe and supportive schools commission established under subsection (g).

(e) Subject to appropriation, any city, town or school district, by vote of its school committee, may develop and implement an action plan to create and maintain the safe and supportive schools framework. The action plan shall be developed by the school principal, in consultation with the school council established under section 59C of chapter 71, and shall be incorporated into the annual school improvement plan required under section 11I; provided, however, that the district superintendent may approve an alternative process and schedule for developing school action plans. Nothing in this section shall be construed as to limit the ability of the school principal to appoint a team to develop the school's action plan; provided, however, that such team shall include a broad representation of the school and local community and the principal shall attempt to include teachers and other school personnel, parents, students and representatives from community-based agencies and providers.

School action plans shall be designed to address the areas of need identified through the use of the self-assessment tool described in subsection (d) and shall include the following: (i) strategies and initiatives for addressing the areas of need identified by the assessment; (ii) a timeline for implementing the strategies and initiatives; (iii) outcome goals and indicators for evaluating the effectiveness of the strategies and initiatives set forth in the plan, which may include attendance and graduation rates, bullying incidences, number of student suspensions, expulsions and office referrals, truancy and tardiness rates, time spent on learning and other

measures of school success; and (iv) a process and schedule for reviewing the plan annually and updating it at least once every 3 years. School action plans shall be published on the school district's website.

(f) Subject to appropriation, the department shall facilitate and oversee the implementation of the safe and supportive schools framework in schools that vote to develop and implement the framework. The department shall, subject to appropriation: (i) provide technical assistance to schools on using the self-assessment tool and developing school action plans and to districts on coordinating with community service providers and developing strategies to facilitate the district-wide implementation of the framework; (ii) develop and disseminate model protocols and practices identified in the framework; (iii) establish a safe and supportive schools grant program, through which grantees shall pilot and share with other schools an effective process for developing and implementing school action plans; (iv) update its website to include the framework, the self-assessment tool, best practices and other information related to the implementation of the framework; (v) host regional trainings for schools and districts; and (vi) provide administrative support to the safe and supportive schools commission established under subsection (e). Nothing in this section shall be construed as limiting the ability of the department to contract with individuals, external partners or other entities to support the functions established under this section; provided, however, that the department shall consider opportunities for education collaboratives or other regional service organizations to coordinate and disseminate training, technical assistance and information to school districts on the implementation of the framework.

(g) There shall be a safe and supportive schools commission to collaborate with and advise the department on the feasibility of state-wide implementation of the framework. The commission shall consist of 18 members: 1 of whom shall be the commissioner of elementary and secondary education or a designee, who shall serve as co-chair; 1 of whom shall be the secretary of education or a designee; 1 of whom shall be a school superintendent appointed by the Massachusetts Association of School Superintendents, Inc.; 1 of whom shall be a school committee member appointed by the Massachusetts Association of School Committees, Inc.; 1 of whom shall be a school principal appointed jointly by the Massachusetts Secondary School Administrators' Association and the Massachusetts Elementary School Principals Association; 1 of whom shall be a teacher appointed jointly by the Massachusetts Teachers Association and the American Federation of Teachers-Massachusetts; 1 of whom shall be a director of special education or a director of student support services appointed by the Massachusetts Administrators for Special Education; 1 of whom shall be an executive director of an education collaborative appointed by the Massachusetts Organization of Education Collaboratives; 1 of whom shall be a school psychologist appointed by The Massachusetts School Psychologists Association, Inc.; 1 of whom shall be a school social worker appointed by the Massachusetts Chapter of the National Association of Social Workers, Inc.; 1 of whom shall be a school adjustment counselor or guidance counselor appointed by the Massachusetts School Counselors Association, Inc.; 1 of whom shall be a school nurse appointed by the Massachusetts School Nurse Organization, Inc.; 1 of whom shall be an advocate with experience in education, behavioral health and the impact of trauma on

learning appointed by Massachusetts Advocates for Children, Inc.; 1 of whom shall be a representative of the Parent/Professional Advocacy League, Inc. appointed by the Parent/Professional Advocacy League, Inc.; 1 of whom shall be a student appointed by the department of elementary and secondary education's student advisory council; and 3 members to be appointed by the secretary of education: 1 of whom shall be a former member of the behavioral health and public schools task force who participated in the development and statewide evaluation of the self-assessment tool; 1 of whom shall be a former member of the behavioral health and public schools task force with experience implementing the framework; and 1 of whom shall be a representative from a community-based organization that provides services as part of the children's behavioral health initiative and that provides mental health services in schools. The commission shall select a co-chair from among its appointees.

The commission shall: (i) investigate and make recommendations to the board on updating, improving and refining the framework and the self-assessment tool as appropriate; (ii) identify strategies for increasing schools' capacity to carry out the administrative functions identified by the behavioral health and public schools task force; (iii) propose steps for improving schools' access to clinically, culturally and linguistically appropriate services; (iv) identify and recommend evidenced-based training programs and professional development for school staff on addressing students' behavioral health and creating safe and supportive learning environments; (v) identify federal funding sources that can be leveraged to support statewide implementation of the framework; (vi) develop recommendations on best practices for collaboration with families, including families of



children with behavioral health needs; and (vii) examine and recommend model approaches for integrating school action plans, required under subsection (e), with school improvement plans and for using the framework to organize other school and district improvement processes.

The commission may collect and review data and feedback from schools as the schools complete the self-assessment tool and develop school action plans, and may convene stakeholders to facilitate solutions to challenges as such challenges arise during the implementation process. The commission may request from the department such information and assistance as may be necessary to complete its work.

The commission shall consult with and solicit input from various persons and groups, including, but not limited to: (i) the office of the child advocate; (ii) the department of early education and care; (iii) the department of children and families; (iv) the department of mental health; (v) the department of public health; (vi) the department of youth services; (vii) the department of developmental services; and (viii) any other parties or entities the commission deems appropriate.

The commission shall prepare and submit an annual progress report concerning the commission's activities with appropriate recommendations, together with drafts of legislation necessary to carry out such recommendations, if any, not later than December 31. The commission shall meet not fewer than 4 times annually. The commission shall submit such annual report to the governor and the clerks of the senate and the house of representatives, who shall forward the same to the chairs of the joint committee on education, the chairs of the joint committee on mental health and substance abuse,

the joint committee on children, families and persons with disabilities, and the house and senate committees on ways and means. The first 3 annual reports shall include recommendations regarding: (i) federal funding sources that may support statewide implementation of the safe and supportive schools framework; (ii) training programs and professional development for school staff on creating safe and supportive learning environments; (iii) improving access to clinically, culturally and linguistically appropriate services; and (iv) addressing the administrative functions necessary to carry out the implementation of the safe and supportive schools framework.

SECTION 7. Subsection (a) of section 8A of chapter 69 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Plans shall be developed in consultation with the school principal, school nurse, school athletic director, team physicians, coaches, trainers and local police, fire and emergency personnel, as appropriate. Schools shall practice the response sequence at the beginning of each school year and periodically throughout the year and evaluate and modify the plan as necessary. School officials shall review the response sequence with local fire and police officials at least 1 time each year and shall conduct periodic walk-throughs of school campuses. Plans shall be submitted once every 3 years to the department of elementary and secondary education, the local police department and the local fire department on or before September 1. Plans shall be updated in the event of new construction or physical changes to the school campus as determined by the local police department.

SECTION 8. Section 3A of chapter 70B of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following paragraph:-

There shall be a school building advisory board comprised of: the state auditor or a designee; the inspector general or a designee; the superintendent of the state police or a designee; the state fire marshal or a designee; the director of the Massachusetts emergency management agency; the executive director of the authority, who shall serve as the secretary to the advisory board and shall be a nonvoting member of the board; and 17 members to be appointed by and represent the following nongovernmental organizations:

Massachusetts Municipal Association, Inc., Massachusetts Association of School Committees, Inc., the Massachusetts Mayors Association, Inc., Massachusetts Association of School Superintendents, Inc., Massachusetts Association of Regional Schools, Inc., Massachusetts Building Trades Council, the Massachusetts chapter of Associated Builders & Contractors, Inc., Massachusetts Alliance for Small Contractors, American Council of Engineering Companies of Massachusetts, Associated Subcontractors of Massachusetts, Inc., American Institute of Architects-Massachusetts, Massachusetts Smart Growth Alliance, Massachusetts Taxpayers Foundation, Inc., Associated General Contractors of Massachusetts, Inc., Massachusetts Chiefs of Police Association Incorporated, Fire Chiefs' Association of Massachusetts, Inc. and acting jointly, the Massachusetts Teachers Association and Massachusetts Federation of Teachers. The advisory board shall assist the authority in the development of general policy regarding school building construction, renovation, reconstruction, maintenance and facility space, preservation of open space and

minimization of loss of open space, thoughtful community development, cost management, adequate provisions for safety and security and shall provide technical advice and input to the authority. The advisory board shall meet at least quarterly.

SECTION 9. Section 14 of said chapter 70B, as so appearing, is hereby amended by inserting after the word “equipment”, in line 5, the following words:- , including upgrades and technological devices necessary for enhanced safety and security.

SECTION 10. Said chapter 70B of the General Laws is hereby further amended by adding following section:-

Section 20. The authority shall, in cooperation with a school district or municipality, submit plans or blueprints approved by the authority, associated with approved construction, renovation or reconstruction of a school building, to the local police department, fire department, Massachusetts emergency management agency and any regional law enforcement entity. The plans shall identify points of entry into a school building, emergency access routes for ingress or egress and other public safety features, including, but not limited to: fire hydrants, utility access points and stairwells. Any department in receipt of such plans may submit comments to the authority and school district. Upon completion of the approved construction, the authority shall, subject to appropriation, in cooperation with a school district or municipality, submit updated, as-built plans to the local police department, fire department, Massachusetts emergency management agency and any regional law enforcement entity, a copy of which shall be maintained on file by each department or agency in receipt of the plans. Plans submitted pursuant to this section shall be deemed confidential and shall not be considered public records under

clause Twenty-sixth of section 7 of chapter 4.

SECTION 11. Chapter 71 of the General Laws is hereby amended by inserting after section 37O the following 3 sections:-

Section 37P. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Chief of police”, the chief of police or the board or officer having control of the police in a city or town.

“School resource officer”, a duly sworn municipal police officer with all necessary training, up-to-date certificates or a special officer appointed by the chief of police charged with providing law enforcement and security services to elementary and secondary public schools. For the purpose of this section a school resource officer shall be exempt under subsection (j) of section 10 of chapter 269, while serving in the officer’s official capacity.

(b) Every chief of police, in consultation with the superintendent and subject to appropriation, shall assign at least 1 school resource officer to serve the city, town, commonwealth charter school, regional school district or county agricultural school. In the case of a regional school district, commonwealth charter school or county agriculture school, the chief of police of the city or town where the school is located, in consultation with the superintendent, shall assign the school resource officer, which may be the same officer for all schools in the city or town.

In assigning a school resource officer, the chief of police shall consider candidates that the chief believes would strive to foster an optimal learning environment and educational community; provided further, that the chief of police may give preference to candidates who

have received specialized training in child and adolescent development, de-escalation and conflict resolution techniques with children and adolescents, behavioral health disorders in children and adolescents, alternatives to arrest and other juvenile justice diversion strategies and behavioral threat assessment methods. The appointment shall not be based solely on seniority. The performance of school resource officers shall be reviewed annually by the superintendent and the chief of police. The superintendent and the chief of police shall enter into a written memorandum of understanding to clearly define the role and duties of the school resource officer which shall be placed on file in the office of the school superintendent.

(c) Upon written application by a school department of a city or town, in consultation with the chief of police, a regional school district or a county agricultural school, the commissioner of elementary and secondary education may waive the requirements of this section if the commissioner believes a school resource officer would not assist that particular city or town, regional school district or county agricultural school to ensure school safety. The written application shall include: (i) the reasons for the waiver request; (ii) data or evidence supporting the waiver request; and (iii) a description of, and supporting data for, alternative procedures and resources relied upon to ensure safe schools.

(d) The department of elementary and secondary education shall promulgate rules or regulations necessary to carry out this section.

(e) Notwithstanding subsection (b), if the chief of police, in consultation with the superintendent, determines that there are not sufficient resources to assign a school resource officer to serve the city, town, regional school district or county agricultural school, the

chief of police shall consult with the department of state police to ensure that a school resource officer is assigned, subject to appropriation; provided, further, that if a state police officer is assigned to a city, town, regional school district or county agricultural school, assignment shall not be based solely on seniority and a candidate shall be considered who would strive to foster an optimal learning environment and educational community; provided, further, that there shall be placed on file in the office of the superintendent and the department of state police a memorandum of understanding clearly defining the roles and duties of the school resource officer.

(f) No public employer shall be liable for injury, loss of property, personal injury or death caused by an act or omission of a public employee while acting in the scope of the public employee's employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing a specific duty of care.

Section 37Q. (a) As used in this section the following words shall have the following meanings, unless the context clearly requires otherwise:-

“Approved private day or residential school”, a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B.

“Charter school”, commonwealth charter schools and Horace Mann charter schools established pursuant to section 89.

“Collaborative school”, a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

“Plan”, a mental health support plan established pursuant to subsection (b).

“School district”, the school department of a city or town, a regional school district or a county agricultural school.

(b) Each school district, charter school, approved private day or residential school and collaborative school shall develop and adhere to a plan to address the general mental health needs of its students, including the students’ families, teachers and school administrators.

Each plan shall also address the potential need for emergency and acute treatment for students, including the students’ families, teachers and school administrators as a result of a tragedy or crisis within the district or school. Before September 1 of each year, each school district, charter school, approved private day or residential school and collaborative school shall review and update its plan to achieve best practices.

(c) The department of elementary and secondary education shall promulgate rules or regulations necessary to carry out this section.

(d) No public employer shall be liable for injury, loss of property, personal injury or death caused by an act or omission of a public employee while acting in the scope of the public employee’s employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing a specific duty of care.

Section 37R. (a) As used in this section the following words shall have the following meanings, unless the context clearly requires otherwise:-

“School”, a school administered by a school department of a city or town or regional school district, a county agricultural school, a commonwealth charter school or Horace Mann charter school established pursuant to section 89 or an educational collaborative



established pursuant to section 4E of chapter 40.

“Two-way communication device”, a device capable of transmitting, conveying or routing real-time, 2-way voice communications through radio frequency.

(b) Every school shall, subject to appropriation, possess and have access to a two-way communication device to be used solely for communicating with police and fire departments of the city or town where the school is located during an emergency situation.

(c) No public employer shall be liable for injury, loss of property, personal injury or death caused by an act or omission of a public employee while acting in the scope of the public employee’s employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing a specific duty of care.

SECTION 12. Said chapter 71 is hereby further amended by adding the following section:-

Section 95. (a) The department, subject to appropriation, shall adopt rules to require that all public school districts and commonwealth charter schools provide at least 2 hours of suicide awareness and prevention training every 3 years to all licensed school personnel. A new hire shall obtain the training within 6 months of being hired. The training shall be provided within the framework of existing in-service training programs offered by the department or as part of required professional development activities.

(b) The department shall, in consultation with the department of public health and suicide prevention experts, develop a list of approved training materials to fulfill the requirements of this section. Approved materials shall include training on how to identify

appropriate mental health services both within the school and the larger community, and when and how to refer students and their families to those services.

(c) No person shall have a cause of action for loss or damage caused by an act or omission resulting from the implementation of this section or resulting from the training or lack of training required by this section.

(d) The training or lack of training required by this section shall not be construed to impose a specific duty of care.

SECTION 13. Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section 232. The department, in consultation with the executive office of public safety and security shall, subject to appropriation, collect, record and analyze data on all suicides in the commonwealth. Data collected for each incident shall include, to the extent possible and with respect to all applicable privacy protection laws, the following: (i) the means of the suicide; (ii) the source of the means of the suicide; (iii) the length of time between purchase of the means and the death of the decedent; (iv) the relationship of the owner of the means to the decedent; (v) whether the means was legally obtained and owned pursuant to the laws of the commonwealth; (vi) a record of past suicide attempts by the decedent; and (vii) a record of past mental health treatment of the decedent.

The department shall annually submit a report, which shall include aggregate data collected for the preceding calendar year and the department's analysis, with the clerks of the house of representatives and the senate and the executive office of public safety and security not later than December 31. Names, addresses or other identifying

factors shall not be included.

The commissioner shall work in conjunction with the offices and agencies in custody of the data listed in this section to facilitate collection of the data and to ensure that data sharing mechanisms are in compliance with all applicable laws relating to privacy protection. Data collected and held by the department to complete the report pursuant to this section shall not be subject to section 10 of chapter 66 and clause Twenty-sixth of section 7 of chapter.

SECTION 14. Chapter 112 of the General Laws is hereby amended by inserting after section 5M the following section:-

Section 5N. The board of registration in medicine established pursuant to section 5B shall, in collaboration with experts in violence and injury prevention, and in coordination with relevant training accreditation bodies, develop or provide for, and make available for voluntary participation by any physician, a professional development training module on suicide prevention through reduction of access to lethal means. The goal of the training module shall be to encourage physicians to speak with their patients and patients' families about the risk posed by access to lethal means in the home, and to increase a physician's ability and comfort in having such discussions with patients and families in a legally, ethically and medically appropriate manner. The training module shall include information on:

(i) rates of attempted and completed suicides, including demographics, trends in mental health histories of suicide victims and trends in rates of reattempts by survivors;

(ii) the impact of lethal means reduction in reducing rates of completed suicides, and on best practices, separate and distinct from behavioral health treatment, that may impact suicide rates through the

reduction of environmental safety risks;

(iii) the role of firearms, including firearms ownership and access to household firearms, in impacting rates of attempted and completed suicides;

(iv) strategies for discussions with patients, the patient's family or legal guardians concerning safety assessments and securing or removing firearms and other lethal means of suicide from the home during high risk periods; and

(v) other appropriate and relevant information, as determined by the board, for the purpose of the training.

The training module developed shall be accepted by the board as up to 2 continuing professional development credits.

SECTION 15. Section 35 of chapter 123 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following 4 paragraphs:-

The court, in its order, shall specify whether such commitment is based upon a finding that the person is a person with an alcohol use disorder, substance use disorder, or both. The court, upon ordering the commitment of a person found to be a person with an alcohol use disorder or substance use disorder pursuant to this section, shall transmit the person's name and nonclinical identifying information, including the person's social security number and date of birth, to the department of criminal justice information services. The court shall notify the person that such person is prohibited from being issued a firearm identification card pursuant to section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140 unless a petition for relief pursuant to this section is subsequently granted.

After 5 years from the date of commitment, a person found to be a person with an alcohol use disorder or substance use disorder and committed pursuant to this section may file a petition for relief with the court that ordered the commitment requesting that the court restore the person's ability to possess a firearm, rifle or shotgun. The court may grant the relief sought in accordance with the principles of due process if the circumstances regarding the person's disqualifying condition and the person's record and reputation are determined to be such that: (i) the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting of relief would not be contrary to the public interest. In making the determination, the court may consider evidence from a licensed physician or clinical psychologist that the person is no longer suffering from the disease or condition that caused the disability or that the disease or condition has been successfully treated for a period of 3 consecutive years.

If the court grants a petition for relief pursuant to this section, the clerk shall provide notice immediately by forwarding a certified copy of the order for relief to the department of criminal justice information services, who shall transmit the order, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System.

A person whose petition for relief is denied may appeal to the appellate division of the district court for a de novo review of the denial.

SECTION 16. Section 36A of said chapter 123, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding this section, a court may, pursuant to section 35

and section 36C, transmit information contained in court records to the department of criminal justice information services to provide: (i) licensing authorities as defined under section 121 of chapter 140 with information required or permitted to be considered under state or federal law to conduct background checks for firearm sales or licensing; and (ii) the attorney general of the United States with information required or permitted under federal law to be included in the National Instant Criminal Background Check System maintained to conduct background checks for firearms sales or licensing; provided, however, that the court shall not transmit information solely because a person seeks voluntary treatment or is involuntarily hospitalized for assessment or evaluation. Information transmitted to the department of criminal justice information services pursuant to this section and sections 35 and 36C shall not be considered public records pursuant to section 10 of chapter 66 and clause Twenty-sixth of section 7 of chapter 4.

SECTION 17. Said chapter 123 is hereby further amended by adding the following section:-

Section 36C. (a) A court that orders the commitment of a person pursuant to sections 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of section 15 or subsection (b) or (c) of section 16, shall transmit the person's name and nonclinical, identifying information, including the person's social security number and date of birth to the department of criminal justice information services. The court shall notify the person that such person is prohibited from being issued a firearm identification card pursuant to section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140 unless a petition for relief is subsequently granted pursuant to

subsection (b).

(b) After 5 years from the date of commitment, a person committed pursuant to sections 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of section 15 or subsection (b) or (c) of section 16 may file a petition for relief with the court that ordered the commitment requesting the court to restore the person's ability to possess a firearm. The court may grant the relief sought in accordance with the principles of due process if the circumstances regarding the person's disqualifying condition and the person's record and reputation are determined to be such that: (i) the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting of relief would not be contrary to the public interest. In making the determination, the court may consider evidence from a licensed physician or clinical psychologist that the person is no longer suffering from the disease or condition that caused the disability or that the disease or condition has been successfully treated for a period of 3 consecutive years.

(c) When the court grants a petition for relief pursuant to subsection (b), the clerk shall immediately forward a copy of the order for relief to the department of criminal justice information services.

(d) A person whose petition for relief is denied pursuant to subsection (b) may appeal to the appellate division of the district court for a de novo review of the denial.

SECTION 18. The first paragraph of section 14 of chapter 131 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the second sentence the following sentence:-

The course shall also include, with respect to the safe handling of

firearms, the program of instruction on harm reduction developed by the division on violence and injury prevention within the department of public health.

SECTION 19. Section 121 of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the figure “131P” and inserting in place thereof the following figure:- 131Q.

SECTION 20. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 6 to 8, inclusive, the words “chemical mace or any device or instrument which contains or emits a liquid, gas, powder or any other substance designed to incapacitate”.

SECTION 21. Section 121 of chapter 140, as so appearing, is hereby amended by inserting after the definition of “Conviction” the following definition:-

“Deceptive weapon device”, any device that is intended to convey the presence of a rifle, shotgun or firearm that is used in the commission of a violent crime, as defined in this section, and which presents an objective threat of immediate death or serious bodily harm to a person of reasonable and average sensibility.

SECTION 22. Said chapter 140 of the General Laws is hereby further amended by inserting after section 122B the following 2 sections:-

Section 122C. (a) As used in this section and section 122D, “self-defense spray” shall mean chemical mace, pepper spray or any device or instrument which contains, propels or emits a liquid, gas, powder or other substance designed to incapacitate.

(b) Whoever, not being licensed as provided in section 122B, sells self-defense spray shall be punished by a fine of not more than \$1,000



or by imprisonment in a house of correction for not more than 2 years.

(c) Whoever sells self-defense spray to a person younger than 18 years of age, if the person younger than 18 years of age does not have a firearms identification card, shall be punished by a fine of not more than \$300.

(d) A person under 18 years of age who possesses self-defense spray and who does not have a firearms identification card shall be punished by a fine of not more than \$300.

Section 122D. No person shall purchase or possess self-defense spray who:

(i) in a court of the commonwealth, has been convicted or adjudicated a youthful offender or delinquent child as defined in section 52 of chapter 119 for the commission of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a violation of a law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; or (E) a violation of a law regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter 94C including, but not limited to, a violation under said chapter 94C; provided, however, that except for the commission of a violent crime or a crime involving the trafficking of controlled substances, if the person has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5 or more years immediately preceding the purchase or possession, that person may purchase or possess self-defense spray;

(ii) in another state or federal jurisdiction, has been convicted or

adjudicated a youthful offender or delinquent child for the commission of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a violation of a law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; or (E) a violation of a law regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter 94C; provided, however, that, except for the commission of a violent crime or a crime involving the trafficking of weapons or controlled substances, if the person has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5 or more years immediately preceding the purchase or possession and that applicant's right or ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the subject conviction or adjudication was entered, then that person may purchase or possess self-defense spray;

(iii) has been committed to any hospital or institution for mental illness unless the person obtains, prior to purchase or possession, an affidavit of a licensed physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness and that in the physician's or psychologist's opinion the applicant is not disabled by such an illness in a manner that shall prevent the applicant from possessing self-defense spray;

(iv) is or has been in recovery from or committed based upon a finding that the person is a person with an alcohol use disorder or a substance use disorder or both unless a licensed physician or clinical psychologist deems such person to be in recovery from such condition,

in which case, such person may purchase or possess self-defense spray after 5 years from the date of such confinement or recovery; provided, however, that prior to such purchase or possession of self-defense spray, the applicant shall submit an affidavit issued by a licensed physician or clinical psychologist attesting that such physician or psychologist knows the person's history of treatment and that in that physician's or psychologist's opinion the applicant is in recovery;

(v) at the time of the application, is younger than 15 years of age;

(vi) at the time of the application, is at least 15 years of age but less than 18 years of age unless the applicant submits with the application a certificate from the applicant's parent or guardian granting the applicant permission to apply for a card;

(vii) is an alien who does not maintain lawful permanent residency or is an alien not residing under a visa pursuant to 8 U.S.C. § 1101(a)(15)(U), or is an alien not residing under a visa pursuant to 8 U.S.C. § 1154(a)(1)(B)(ii)(I) or is an alien not residing under a visa pursuant to 8 U.S.C. § 1101(a)(15)(T)(i)(I)-(IV);

(viii) is currently subject to: (1) an order for suspension or surrender issued pursuant to section 3B or 3C of chapter 209A or section 7 of chapter 258E; or (2) a permanent or temporary protection order issued pursuant to chapter 209A or section 7 of chapter 258E; or

(ix) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction.

Whoever purchases or possesses self-defense spray in violation of this section shall be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for not more than 2 years or both such fine and imprisonment.

SECTION 23. Section 123 of said chapter 140, as appearing in the

2012 Official Edition, is hereby amended by striking out, in lines 37 and 59, the words “Class A”, each time they appear.

SECTION 24. Said section 123 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 40 and 63, the words “Class A or Class B”, each time they appear.

SECTION 25. Said section 123 of said chapter 140, as so appearing, is hereby further amended by inserting after the word “height”, in line 127, the following words:- , and further that the licensee shall conspicuously post and distribute at each purchase counter a notice providing information on suicide prevention developed and provided by the division on violence and injury prevention within the department of public health. The department of public health shall develop and make available on its website for download a sign providing the information on suicide prevention.

SECTION 26. Said section 123 of said chapter 140, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Clauses Eighteenth to Twenty-first, inclusive, of the first paragraph shall not apply to: (i) a firearm lawfully owned or possessed under a license issued under this chapter on or before October 21, 1998; (ii) a firearm designated by the secretary of public safety, with the advice of the gun control advisory board, established pursuant to section 131½ of chapter 140, as a firearm solely designed and sold for formal target shooting competition; or (iii) a firearm designated by the secretary of public safety, with the advice of the gun control advisory board, established pursuant to section 131 ½ of chapter 140, as a firearm or pistol solely designed and sold for Olympic shooting competition. The secretary of public safety shall compile lists, on a bi-annual basis, of

firearms designated as “formal target shooting firearms” and “Olympic competition firearms” in accordance with this paragraph. Such lists shall be made available for distribution by the executive office of public safety and security.

SECTION 27. Section 128 of said chapter 140, as so appearing, is hereby amended by inserting after the word “sixteenth”, in line 4, the following word:- , seventeenth.

SECTION 28. Section 128A of said chapter 140, as so appearing, is hereby amended by striking out, in lines 26 to 38, inclusive, the words “; and provided, further, that such resident reports within seven days, in writing to the commissioner of the department of criminal justice information services on forms furnished by said executive director, the names and addresses of the seller and the purchaser of any such large capacity feeding device, firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including its designation as a large capacity weapon, if applicable, the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun”.

SECTION 29. Said section 128A of said chapter 140, as so appearing, is hereby further amended by adding the following 4 sentences:-

Any sale or transfer conducted pursuant to this section shall comply with section 131E and shall, prior to or at the point of sale, be conducted over a real time web portal developed by the department of

criminal justice information services. The department of criminal justice information services shall require each person selling or transferring a firearm, shotgun or rifle pursuant to this section to electronically provide, through the portal, such information as is determined to be necessary to verify the identification of the seller and purchaser and ensure that the sale or transfer complies with this section. Upon submission of the required information, the portal shall automatically review such information and display a message indicating whether the seller may proceed with the sale or transfer and shall provide any further instructions for the seller as determined to be necessary by the department of criminal justice information services. The department of criminal justice information services shall keep a record of any sale or transfer conducted pursuant to this section and shall provide the seller and purchaser with verification of such sale or transfer.

SECTION 30. Section 129B of said chapter 140, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following 2 paragraphs:-

(1) Any person residing or having a place of business within the jurisdiction of the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority an application for a firearm identification card, or renewal of the same, which the licensing authority shall issue if it appears that the applicant is not a prohibited person. A prohibited person shall be a person who:

(i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful offender or delinquent child, or both as defined in section 52 of chapter 119, for the commission of: (A) a felony; (B) a

misdemeanor punishable by imprisonment for more than 2 years ; (C) a violent crime as defined in section 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C, including, but not limited to, a violation under said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33); provided, however, that, except for the commission of a felony, a misdemeanor crime of domestic violence, a violent crime or a crime involving the trafficking of controlled substances, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5 or more years immediately preceding such application, then the applicant's right or ability to possess a non-large capacity rifle or shotgun shall be deemed restored in the commonwealth with respect to such conviction or adjudication and that conviction or adjudication shall not disqualify the applicant for a firearm identification card;

(ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or

sale of controlled substances, as defined in section 1 of chapter 94C, including, but not limited to, a violation under said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33); provided, however, that, except for the commission of felony, a misdemeanor crime of domestic violence, a violent crime or a crime involving the trafficking of weapons or controlled substances, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5 or more years immediately preceding such application and the applicant's right or ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the conviction or adjudication was entered, then the conviction or adjudication shall not disqualify such applicant for a firearm identification card;

(iii) is or has been: (A) except in the case of a commitment pursuant to sections 35 or 36C of chapter 123, committed to any hospital or institution for mental illness, alcohol or substance abuse, unless after 5 years from the date of the confinement, the applicant submits with the application an affidavit of a licensed physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness, alcohol or substance abuse and that in the physician's or psychologist's opinion the applicant is not disabled by a mental illness, alcohol or substance abuse in a manner that should prevent the applicant from possessing a firearm, rifle or shotgun; (B) committed by an order of a court to any hospital or institution for mental illness, unless the applicant was granted a petition for relief of the court's order pursuant to said section 36C of said chapter 123 and submits a copy of the order for relief with the



application; (C) subject to an order of the probate court appointing a guardian or conservator for a incapacitated person on the grounds that that applicant lacks the mental capacity to contract or manage affairs, unless the applicant was granted a petition for relief pursuant to section 56C of chapter 215 and submits a copy of the order for relief with the application; or (D) found to be a person with an alcohol use disorder or substance use disorder or both and committed pursuant to said section 35 of said chapter 123, unless the applicant was granted a petition for relief of the court's order pursuant to said section 35 of said chapter 123 and submits a copy of the order for relief with the application;

(iv) is at the time of the application younger than 14 years of age; provided however that the applicant shall not be issued the card until the applicant reaches the age of 15.

(v) is at the time of the application more than 14 but less than 18 years of age, unless the applicant submits with the application a certificate of a parent or guardian granting the applicant permission to apply for a card;

(vi) is an alien who does not maintain lawful permanent residency;

(vii) is currently subject to: (A) an order for suspension or surrender issued pursuant to section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or temporary protection order issued pursuant to chapter 209A, a similar order issued by another jurisdiction, including an order described in 18 U.S.C. 922(g)(8);

(viii) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction;

(ix) has been discharged from the armed forces of the United

States under dishonorable conditions;

(x) is a fugitive from justice; or

(xi) having been a citizen of the United States, has renounced that citizenship.

(1½) (a) Notwithstanding paragraph (1) to the contrary, the licensing authority may file a petition to request that an applicant be denied the issuance or renewal of a firearm identification card, or to suspend or revoke such a card in the district court of jurisdiction. If the licensing authority files any such petition it shall be accompanied by written notice to the applicant describing the specific evidence in the petition. Such petition shall be founded upon a written statement of the reasons for supporting a finding of unsuitability pursuant to subsection (d).

(b) Upon the filing of a petition to deny the issuance or renewal of a firearm identification card, the court shall within 90 days hold a hearing to determine if the applicant is unsuitable under subsection (d) of this paragraph. Such a petition shall serve to stay the issuance or renewal of the firearm identification card pending a judicial determination on such petition.

(c) Upon the filing of a petition to suspend or revoke a firearm identification card, the court shall within 15 days determine whether there is sufficient evidence to support a finding that the applicant is unsuitable. Such petition shall serve to effect the suspension or revocation pending a judicial determination on the sufficiency of evidence. If a court determines that insufficient evidence exists to support a finding of unsuitability, the licensing authority shall not file a petition under this subsection for the same applicant within 75 days of the licensing authority's previous petition for that applicant. If a

court determines that sufficient evidence exists to support a finding of unsuitability, the court shall within 75 days hold a hearing to determine if the applicant is unsuitable under subsection (d); provided, however, that such initial suspension or revocation shall remain in effect pending a judicial determination thereon.

(d) A determination of unsuitability shall be based on a preponderance of evidence that there exists: (i) reliable, articulable, and credible information that the applicant has exhibited or engaged in behavior to suggest the applicant could potentially create a risk to public safety; or (ii) existing factors that suggest that the applicant could potentially create a risk to public safety. If a court enters a judgment that an applicant is unsuitable the court shall notify the applicant in a writing setting forth the specific reasons for such determination. If a court has not entered a judgment that an applicant is unsuitable under this clause within 90 days for petitions under clause (ii) or within 75 days under clause (iii), the court shall enter a judgment that the applicant is suitable for the purposes of this paragraph.

SECTION 31. Paragraph (2) of said section 129B of said chapter 140, as so appearing, is hereby amended by adding the following 2 sentences:- The licensing authority shall provide to the applicant a receipt indicating that it received the applicant's application. The receipt shall be provided to the applicant within 7 days by mail if the application was received by mail or immediately if the application was made in person; provided, however, that the receipt shall include the applicants' name, address, current firearm identification card number, if any, the current card's expiration date, if any, the date when the application was received by the licensing authority, the name of the

licensing authority and its agent that received the application, the licensing authority's address and telephone number, the type of application and whether it is an application for a new card or for renewal of an existing card; and provided further, that a copy of the receipt shall be kept by the licensing authority for not less than 1 year and a copy shall be furnished to the applicant if requested by the applicant.

SECTION 32. Said section 129B of said chapter 140, as so appearing, is hereby further amended by inserting after the word "card", in line 141, the following words:- issued pursuant to subclause (vi) of clause (1) of section 122D.

SECTION 33. Said section 129B of said chapter 140, as so appearing is hereby amended by striking out paragraph (6) and inserting in place thereof the following paragraph:-

(6) A firearm identification card shall not entitle a holder thereof to possess: (i) a large capacity firearm or large capacity feeding device therefor, except under a license issued to a shooting club as provided under section 131 or under the direct supervision of a holder of a license issued to an individual under said section 131 at an incorporated shooting club or licensed shooting range; or (ii) a non-large capacity firearm or large capacity rifle or shotgun or large capacity feeding device therefor, except under a license issued to a shooting club as provided under said section 131 or under the direct supervision of a holder of a license issued to an individual under said section 131 at an incorporated shooting club or licensed shooting range. A firearm identification card shall not entitle a holder thereof to possess any rifle or shotgun that is, or in such manner that is, otherwise prohibited by law. A firearm identification card issued

pursuant to subclause (vi) of clause (1) of section 122D, shall be valid to purchase and possess chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate. Except as otherwise provided herein, a firearm identification card shall not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or transportation of a rifle or shotgun if such rifle or shotgun is a large capacity weapon as defined in section 121.

SECTION 34. Paragraph (7) of said section 129B of said chapter 140, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A firearm identification card shall be in a standard form provided by the commissioner of the department of criminal justice information services in a size and shape equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and shall contain an identification number, name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the cardholder and shall be marked “Firearm Identification Card” and shall provide in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline and the Samaritans Statewide Helpline.

SECTION 35. Said section 129B of said chapter 140, as so appearing, is hereby further amended by inserting after the word “issued”, in lines 155 and 206, each time it appears, the following words:- pursuant to clause (vi) of section 122D.

SECTION 35A. Paragraph (7) of said section 129B of said chapter 140 is hereby amended by striking out the words “pursuant to subclause (vi) of clause (1) of section 122D”, inserted by section 35.

SECTION 35B. Paragraph (9B) of said section 129B of said chapter 140 is hereby amended by striking out the words “pursuant to subclause (vi) of clause (1) of section 122D”, inserted by section 35.

SECTION 36. Said section 129B of said chapter 140, as so appearing, is hereby further amended by striking out paragraph (9) and inserting in place thereof the following paragraph:-

(9) A firearm identification card shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issuance, except that if the cardholder applied for renewal before the card expired, the card shall remain valid after the expiration date on the card for all lawful purposes, until the application for renewal is approved or denied; provided, however, if the cardholder is on active duty with the armed forces of the United States on the expiration date of the card, the card shall remain valid until the cardholder is released from active duty and for a period of not less than 180 days following such release, except that if the cardholder applied for renewal prior to the end of such period, the card shall remain valid after the expiration date on the card for all lawful purposes, until the application for renewal is approved or denied. A card issued on February 29 shall expire on March 1. The commissioner of criminal justice information services shall send electronically or by first class mail to the holder of a firearm identification card, a notice of the expiration of the card not less than 90 days before its expiration and shall enclose with the notice a form for the renewal of the card. The form for renewal shall include an affidavit whereby the applicant shall verify that the applicant has not lost a firearm or had a firearm stolen from the applicant's possession since the date of the applicant's last renewal or issuance. The commissioner of criminal justice information services shall

include in the notice all pertinent information about the penalties that may be imposed if the firearm identification card is not renewed. The commissioner of criminal justice information services shall provide electronic notice of expiration only upon the request of a cardholder. A request for electronic notice of expiration shall be forwarded to the department on a form furnished by the commissioner. Any electronic address maintained by the department to provide electronic notice of expiration shall be considered a firearms record and shall not be disclosed except as provided in section 10 of chapter 66.

SECTION 37. Said section 129B of said chapter 140, as so appearing, is hereby further amended by striking out, in lines, 195, 218, 219 and 224, the word “clause” and inserting in place thereof, in each instance, the following word:- paragraph.

SECTION 38. Said section 129B of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 245 and 246, the words “meaning after 90 days beyond the stated expiration date on the card” and inserting in place thereof the following words:- not including licenses that remain valid under paragraph (9) because the licensee applied for renewal before the license expired.

SECTION 39. Said section 129B of said chapter 140, as so appearing, is hereby further amended by striking out, in line 248, the figure “\$500” and inserting in place thereof the following figure:- \$100.

SECTION 40. The third paragraph of section 129C of said chapter 140, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences:- Whoever fails to report the loss or theft of a firearm, rifle, shotgun or machine gun or the recovery of a firearm, rifle, shotgun or machine

gun previously reported lost or stolen to the commissioner of the department of criminal justice information services and the licensing authority in the city or town where the owner resides shall be punished by a fine of not less than \$500 nor more than \$1,000 for a first offense, by a fine of not less than \$2,500 nor more than \$7,500 for a second offense and by a fine of not less than \$7,500 nor more than \$10,000 or imprisonment for not less than 1 year nor more than 5 years, or by both such fine and imprisonment, for a third or subsequent offense. Failure to so report shall be a cause for suspension or permanent revocation of a person's firearm identification card or license to carry firearms, or both. Notwithstanding this paragraph or any general or special law to the contrary, no person, who in good faith, reports a loss or theft under this paragraph for the first time shall be subject to suspension, revocation or be considered unsuitable under section 131 for the renewal of a lawfully held firearm identification card or license to carry firearms; provided, however, that persons reporting loss or theft under this paragraph or under section 129B on a second or subsequent occasion may be subject to suspension, revocation or be considered unsuitable under said section 131 for the renewal of a lawfully held firearm identification card or license to carry firearms.

SECTION 41. Said section 129C of said chapter 140, as so appearing, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

Nothing in this section shall permit the sale or transfer of a large capacity rifle, shotgun or firearm or large capacity feeding device therefor to a person not in possession of a license to carry firearms issued pursuant to section 131.

SECTION 42. Section 129D of said chapter 140, as so appearing,



is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Upon revocation, suspension or denial of an application for a firearm identification card pursuant to section 129B or for any firearms license if the firearm identification card is not then in force or for any machine gun license, the person whose application was so revoked, suspended or denied shall without delay deliver or surrender to the licensing authority where the person resides all firearms, rifles, shotguns and machine guns and ammunition which the person then possesses unless an appeal of the revocation or suspension is pending. The person or the person's legal representative shall have the right, at any time up to 1 year after the delivery or surrender, to transfer the firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or any other person legally permitted to purchase or take possession of the firearms, rifles, shotguns and machine guns and ammunition and, upon notification in writing by the purchaser or transferee and the former owner, the licensing authority shall within 10 days deliver the firearms, rifles, shotguns and machine guns and ammunition to the transferee or purchaser and the licensing authority shall observe due care in the receipt and holding of any such firearm, rifle, shotgun or machine gun and ammunition; provided, however, that the purchaser or transferee shall affirm in writing that the purchaser or transferee shall not in violation of section 129C transfer the firearms, rifles, shotguns or machine guns or ammunition to the former owner. The licensing authority shall at the time of delivery or surrender inform the person in writing of the authority's ability, within 1 year after delivery or surrender, to transfer the firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or

other person legally permitted to purchase or take possession.

SECTION 43. The third paragraph of said section 129D of said chapter 140, as so appearing, is hereby amended by adding the following words:- ; provided, however, that no firearm, rifle, shotgun or machine gun or ammunition classified as having been used to carry out a criminal act pursuant to section 131Q shall be sold at public auction pursuant to this section.

SECTION 44. Said section 129D of said chapter 140, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:-

If the licensing authority cannot reasonably ascertain a lawful owner within 180 days of acquisition by the authority, the authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms, rifles, shotguns or machine guns or ammunition to properly licensed distributors or firearms dealers. The proceeds of the sale or transfer shall be remitted or credited to the municipality in which the authority presides to purchase weapons, equipment or supplies or for violence reduction or suicide prevention; provided, however, that no firearm, rifle, shotgun or machine gun or ammunition classified as having been used to carry out a criminal act pursuant to section 131Q shall be considered surplus, donated, abandoned or junk for the purposes of this section.

SECTION 45. Said chapter 140 is hereby further amended by striking out section 130, as so appearing, and inserting in place thereof the following 2 sections:-

Section 130. Whoever sells or furnishes a rifle, shotgun or ammunition to any alien 18 years of age or older who does not hold a permit card issued to that alien pursuant to section 131H or, except as

provided in this section or section 131E, whoever sells or furnishes any alien or any person under 18 years of age a rifle, shotgun, machine gun or ammunition, or whoever sells or furnishes to any person under 21 years of age a firearm or large capacity rifle or shotgun or ammunition therefor shall have the license to sell firearms, rifles, shotguns, machine guns or ammunition revoked and shall not be entitled to apply for such license for 10 years from the date of such revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment in a state prison for not more than 10 years or by imprisonment in a house of correction for not more than 2½ years or by both such fine and imprisonment.

Section 130½. Notwithstanding section 130 or any general or special law to the contrary, it shall be lawful to furnish a weapon to a minor for hunting, recreation, instruction and participation in shooting sports while under the supervision of a holder of a valid firearm identification card or license to carry appropriate for the weapon in use; provided, however, that the parent or guardian of the minor granted consent for such activities.

SECTION 46. Section 131 of said chapter 140, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words “All licenses to carry firearms shall be designated Class A or Class B, and the issuance and possession of any such license” and inserting in place thereof the following words:- The issuance and possession of a license to carry firearms.

SECTION 47. Said section 131 of said chapter 140, as so appearing, is hereby further amended by striking out paragraphs (a) to (c), inclusive, and inserting in place thereof the following 3 paragraphs:-

(a) A license shall entitle a holder thereof of a license to purchase, rent, lease, borrow, possess and carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority considers proper; and (ii) rifles and shotguns, including large capacity weapons, and feeding devices and ammunition therefor, for all lawful purposes; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as it considers proper. A violation of a restriction imposed by the licensing authority under this paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that section 10 of chapter 269 shall not apply to a violation of this paragraph.

(b) The colonel of state police may, after an investigation, grant a license to a club or facility with an on-site shooting range or gallery, which club is incorporated under the laws of the commonwealth for the possession, storage and use of large capacity weapons, ammunition therefor and large capacity feeding devices for use with such weapons on the premises of the club; provided, however, that not less than 1 shareholder of the club shall be qualified and suitable to be issued a license; and provided further, that such large capacity weapons and ammunition feeding devices may be used under the club license only by a member that possesses a valid firearm identification card issued pursuant to section 129B or a valid license to carry firearms, or by such other person that the club permits while under the direct supervision of a certified firearms safety instructor or club member

who, in the case of a large capacity firearm, possesses a valid license to carry firearms or, in the case of a large capacity rifle or shotgun, possesses a valid license to carry firearms. The club shall not permit shooting at targets that depict human figures, human effigies, human silhouettes or any human images thereof, except by public safety personnel performing in line with their official duties.

No large capacity weapon or large capacity feeding device shall be removed from the premises except to: (i) transfer the firearm or feeding device to a licensed dealer; (ii) transport the firearm or feeding device to a licensed gunsmith for repair; (iii) target, trap or skeet shoot on the premises of another club incorporated under the laws of the commonwealth and to transport thereto; (iv) attend an exhibition or educational project or event that is sponsored by, conducted under the supervision of or approved by a public law enforcement agency or a nationally or state recognized entity that promotes proficiency in or education about semiautomatic weapons and to transport thereto and therefrom; (v) hunt pursuant to chapter 131; or (vi) surrender the firearm or feeding device pursuant to section 129D. Any large capacity weapon or large capacity feeding device kept on the premises of a lawfully incorporated shooting club shall, when not in use, be secured in a locked container and shall be unloaded during any lawful transport. The clerk or other corporate officer of the club shall annually file a report with the colonel of state police and the commissioner of criminal justice information services listing all large capacity weapons and large capacity feeding devices owned or possessed under the license. The colonel or a designee may inspect all firearms owned or possessed by the club upon request during regular business hours and the colonel may revoke or suspend a club license

for a violation of this chapter or chapter 269 relative to the ownership, use or possession of large capacity weapons or large capacity feeding devices.

(c) A license to carry firearms shall be valid to own, possess, purchase and transfer non-large capacity rifles and shotguns, consistent with the entitlements conferred by a firearm identification card issued under section 129B.

SECTION 48. Said section 131 of said chapter 140, as so appearing, is hereby further amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(d) Any person residing or having a place of business within the jurisdiction of the licensing authority or any law enforcement officer employed by the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority or the colonel of state police, an application for a Class A license to carry firearms, or renewal of the same, which the licensing authority or the colonel may issue if it appears that the applicant is not a prohibited person, as set forth in this section, to be issued a license and has good reason to fear injury to the applicant or the applicant's property or for any other reason, including the carrying of firearms for use in sport or target practice only, subject to the restrictions expressed or authorized under this section.

A prohibited person shall be a person who:

(i) has, in a court of the commonwealth, been convicted or adjudicated a youthful offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years ; (C) a violent crime as defined in section 121; (D) a violation of any law

regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33);

(ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled substance as defined in said section 1 of said chapter 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33);

(iii) is or has been (A) committed to a hospital or institution for mental illness, alcohol or substance abuse, except a commitment pursuant to sections 35 or 36C of chapter 123, unless after 5 years from the date of the confinement, the applicant submits with the application an affidavit of a licensed physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness, alcohol or substance abuse and that in the physician's or psychologist's opinion, the applicant is not disabled by a mental illness, alcohol or substance abuse in a manner that shall

prevent the applicant from possessing a firearm, rifle or shotgun; (B) committed by a court order to a hospital or institution for mental illness, unless the applicant was granted a petition for relief of the court order pursuant to said section 36C of said chapter 123 and submits a copy of the court order with the application; (C) subject to an order of the probate court appointing a guardian or conservator for a incapacitated person on the grounds that the applicant lacks the mental capacity to contract or manage the applicant's affairs, unless the applicant was granted a petition for relief of the order of the probate court pursuant to section 56C of chapter 215 and submits a copy of the order of the probate court with the application; or (D) found to be a person with an alcohol use disorder or substance use disorder or both and committed pursuant to said section 35 of said chapter 123, unless the applicant was granted a petition for relief of the court order pursuant to said section 35 and submits a copy of the court order with the application;

(iv) is younger than 21 years of age at the time of the application;

(v) is an alien who does not maintain lawful permanent residency;

(vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to sections 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or temporary protection order issued pursuant to said chapter 209A or a similar order issued by another jurisdiction, including any order described in 18 U.S.C. 922(g)(8);

(vii) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction;

(viii) has been discharged from the armed forces of the United States under dishonorable conditions;



(ix) is a fugitive from justice; or

(x) having been a citizen of the United States, has renounced that citizenship.

The licensing authority may deny the application or renewal of a license to carry, or suspend or revoke a license issued under this section if, in a reasonable exercise of discretion, the licensing authority determines that the applicant or licensee is unsuitable to be issued or to continue to hold a license to carry. A determination of unsuitability shall be based on: (i) reliable and credible information that the applicant or licensee has exhibited or engaged in behavior that suggests that, if issued a license, the applicant or licensee may create a risk to public safety; or (ii) existing factors that suggest that, if issued a license, the applicant or licensee may create a risk to public safety. Upon denial of an application or renewal of a license based on a determination of unsuitability, the licensing authority shall notify the applicant in writing setting forth the specific reasons for the determination in accordance with paragraph (e). Upon revoking or suspending a license based on a determination of unsuitability, the licensing authority shall notify the holder of a license in writing setting forth the specific reasons for the determination in accordance with paragraph (f). The determination of unsuitability shall be subject to judicial review under said paragraph (f).

SECTION 49. Paragraph (d) of said section 131 of said chapter 140, as appearing in section 48, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- A person residing or having a place of business within the jurisdiction of the licensing authority or any law enforcement officer employed by the licensing authority or any person residing in an area

of exclusive federal jurisdiction located within a city or town may submit to the licensing authority or the colonel of state police an application for a license to carry firearms, or renewal of the same, which the licensing authority or the colonel may issue if it appears that the applicant is not a prohibited person as set forth in this section to be issued a license and that the applicant has good reason to fear injury to the applicant or the applicant's property or for any other reason, including the carrying of firearms for use in sport or target practice only, subject to the restrictions expressed or authorized under this section.

SECTION 50. Paragraph (e) of said section 131 of said chapter 140, as appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:- The licensing authority shall provide to the applicant a receipt indicating that it received the application. The receipt shall be provided to the applicant within 7 days by mail if the application was received by mail or immediately if the application was made in person; provided, however, that the receipt shall include the applicant's name and address; current license number and license expiration date, if any; the date the licensing authority received the application; the name, address and telephone number of the licensing authority; the agent of the licensing authority that received the application; the type of application; and whether the application is for a new license or a renewal of an existing license. The licensing authority shall keep a copy of the receipt for not less than 1 year and shall furnish a copy to the applicant if requested by the applicant.

SECTION 51. Paragraph (f) of said section 131 of said chapter 140, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:- Any

applicant or holder aggrieved by a denial, revocation, suspension or restriction placed on a license, unless a hearing has previously been held pursuant to chapter 209A, may, within either 90 days after receiving notice of the denial, revocation or suspension or within 90 days after the expiration of the time limit during which the licensing authority shall respond to the applicant or, in the case of a restriction, any time after a restriction is placed on the license pursuant to this section, file a petition to obtain judicial review in the district court having jurisdiction in the city or town in which the applicant filed the application or in which the license was issued. If after a hearing a justice of the court finds that there was no reasonable ground for denying, suspending, revoking or restricting the license and that the petitioner is not prohibited by law from possessing a license, the justice may order a license to be issued or reinstated to the petitioner or may order the licensing authority to remove certain restrictions placed on the license.

SECTION 52. Paragraph (g) of said section 131 of said chapter 140, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following 3 sentences:- A license shall be in a standard form provided by the commissioner of criminal justice information services in a size and shape equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and shall contain a license number which shall clearly indicate the name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the licensee. The license shall be clearly marked "License to Carry Firearms". The license shall provide in a legible font size and style the phone numbers for the

## National Suicide Prevention Lifeline and the Samaritans Statewide Helpline.

SECTION 53. Paragraph (i) of said section 131 of said chapter 140, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 3 sentences:- A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of issue; provided, however, that, if the licensee applied for renewal before the license expired, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. If a licensee is on active duty with the armed forces of the United States on the expiration date of the license, the license shall remain valid until the licensee is released from active duty and for a period not less than 180 days following the release; provided, however, that, if the licensee applied for renewal prior to the end of that period, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. An application for renewal of a Class B license filed before the license has expired shall not extend the license beyond the stated expiration date; provided, that the Class B license shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of issue.

SECTION 54. Said paragraph (i) of said section 131 of said chapter 140 is hereby further amended by striking out the first 3 sentences, as appearing in section 53, and inserting in place thereof the following 2 sentences:- A license to carry or possess firearms shall be

valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of issue; provided, however, that, if the licensee applied for renewal before the license expired, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. If a licensee is on active duty with the armed forces of the United States on the expiration date of the license, the license shall remain valid until the licensee is released from active duty and for a period not less than 180 days following the release; provided, however, that, if the licensee applied for renewal prior to the end of that period, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied.

SECTION 55. Said section 131 of said chapter 140, as appearing in the 2012 Official Edition, is hereby further amended by inserting after the word “For”, in line 254, the following words:- active and retired.

SECTION 56. Paragraph (l) of said section 131 of said chapter 140, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The form for renewal shall include an affidavit in which the applicant shall verify that the applicant has not lost any firearms or had any firearms stolen from the applicant since the date of the applicant's last renewal or issuance.

SECTION 57. Said section 131 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 317 to 320, inclusive, the words “meaning after 90 days beyond the stated expiration date on the license, but who shall not be disqualified from

renewal upon application therefor under this section, shall be subject to a civil fine of not less than \$500” and inserting in place thereof the following words:- not including licenses that remain valid under paragraph (i) because the licensee applied for renewal before the license expired, but who shall not be disqualified from renewal upon application therefor pursuant to this section, shall be subject to a civil fine of not less than \$100.

SECTION 58. Said chapter 140 is hereby further amended by striking out section 131C, as so appearing, and inserting in place thereof the following section:-

Section 131C. (a) No person carrying a loaded firearm under a license issued pursuant to section 131 or 131F shall carry the loaded firearm in a vehicle unless the loaded firearm while carried in the vehicle is under the direct control of the person. Whoever violates this subsection shall be punished by a fine of \$500.

(b) No person possessing a large capacity rifle or shotgun under a license issued pursuant to section 131 or 131F shall possess the large capacity rifle or shotgun in a vehicle unless the large capacity rifle or shotgun is unloaded and contained within the locked trunk of the vehicle or in a locked case or other secure container. Whoever violates this subsection shall be punished by a fine of not less than \$500 nor more than \$5,000.

(c) This section shall not apply to: (i) an officer, agent or employee of the commonwealth, any state or the United States; (ii) a member of the military or other service of any state or of the United States; (iii) a duly authorized law enforcement officer, agent or employee of a municipality of the commonwealth; provided, however, that a person described in clauses (i) to (iii), inclusive, is authorized by a competent

authority to carry or possess the weapon so carried or possessed and is acting within the scope of the person's official duties.

(d) A conviction of a violation of this section shall be reported immediately by the court or magistrate to the licensing authority. The licensing authority shall immediately revoke the firearm identification card or license of the person convicted of a violation of this section. No new firearm identification card or license may be issued to a person convicted of a violation of this section until 1 year after the date of revocation of the firearm identification card or license.

SECTION 59. Said chapter 140 is hereby further amended by striking out section 131E, as so appearing, and inserting in place thereof the following section:-

Section 131E. A resident of the commonwealth may purchase firearms, rifles, shotguns and ammunition feeding devices from a dealer licensed pursuant to section 122 or from a person qualified pursuant to section 128A or may purchase ammunition from a licensee under section 122B subject to the following conditions and restrictions:

(a) rifles, shotguns and feeding devices therefor may be so purchased only upon presentment of: (i) a valid firearm identification card issued pursuant to section 129B; (ii) a valid license to carry firearms issued pursuant to section 131; or (iii) valid proof of exempt status under section 129C; provided, however, that large capacity rifles and shotguns and large capacity feeding devices therefor may be so purchased only upon presentment of a license to carry firearms issued pursuant to said section 131; and provided further, that no rifle, shotgun, ammunition or ammunition feeding device therefor shall be sold to a person younger than 18 years of age; and provided further,

that no large capacity rifle, shotgun or large capacity feeding device therefor shall be sold to a person younger than 21 years of age; and

(b) firearms and feeding devices therefor, including large capacity firearms and large capacity feeding devices therefor, may be so purchased only upon presentment of: (i) a valid license to carry firearms issued pursuant to section 131; (ii) a valid firearm identification card issued pursuant to section 129B; or (iii) valid proof of exempt status under section 129C; provided, however, that neither a firearm identification card issued pursuant to said section 129B nor proof of exempt status under said section 129C shall be valid to purchase a firearm or ammunition feeding device therefor, including large capacity firearms and large capacity feeding devices therefor, without being presented together with a valid and proper permit to purchase issued under section 131A; and provided further, that an alien permit to possess a rifle or shotgun shall not be valid to purchase firearms, ammunition or ammunition feeding devices therefor; and provided further, that no firearm, ammunition or ammunition feeding device therefor shall be sold to a person younger than 21 years of age.

A firearms collector, licensed pursuant to 18 U.S.C. 923(b), may purchase a rifle, shotgun or firearm that was not previously owned or registered in the commonwealth from a dealer licensed under section 122 if that rifle, shotgun or firearm is a curio or relic as defined in 27 CFR 478.11.

A person who uses a license to carry firearms or a firearm identification card to purchase a firearm, rifle or shotgun for the unlawful use of another or for resale to or giving to an unlicensed person shall be punished by a fine of not less than \$1,000 nor more than \$50,000 or by imprisonment for not less than 2½ years nor more



than 10 years in a state prison or by both such fine and imprisonment. A conviction of a violation of this section shall be reported immediately by the court to the licensing authority that issued the license or firearm identification card. The licensing authority shall immediately revoke the license or firearm identification card pursuant to said section 129B or said section 131 and no license shall be issued to a person convicted of a violation of this section within 2 years after the date of the revocation of the license or firearm identification card.

SECTION 60. Section 131F of said chapter 140, as so appearing, is hereby amended by striking out, in line 1, the words “Class A or Class B”.

SECTION 61. The first paragraph of said section 131F of said chapter 140, as so appearing, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33).

SECTION 62. Said section 131F of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 36 to 38, inclusive, the words “or (v) is currently the subject of an outstanding

arrest warrant in any state or federal jurisdiction” and inserting in place thereof the following words:-

(v) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction;

(vi) has been discharged from the armed forces of the United States under dishonorable conditions;

(vii) is a fugitive from justice;

(viii) having been a citizen of the United States, has renounced that citizenship;

(ix) not being a citizen or national of the United States, is illegally or unlawfully in the United States; or

(x) not being a citizen or national of the United States, has been admitted to the United States under a nonimmigrant visa as defined in 8 U.S.C. 1101(a)(26), unless the person has been admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States or another exception set forth in 18 U.S.C. 922(y)(2) applies.

SECTION 63. The fourth paragraph of said section 131F of said chapter 140, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following 3 sentences:- A temporary license issued pursuant to this section shall be clearly marked “Temporary License to Carry Firearms” and shall not be used to purchase firearms in the commonwealth as provided in section 131E. A large capacity firearm and a large capacity feeding device therefor may be carried if the person has been issued a license. The colonel may permit a licensee to possess a large capacity rifle or shotgun or both; provided, however, that this entitlement shall be clearly indicated on the license.

SECTION 64. Section 131L of said chapter 140, as so appearing, is hereby amended by striking out subsections (b) to (d), inclusive, and inserting in place thereof the following 3 subsections:-

(b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun that is not a large capacity weapon, by a fine of not less than \$1000 nor more than \$7,500 or by imprisonment for not more than 1½ years or by both such fine and imprisonment and, in the case of a large capacity weapon or machine gun, by a fine of not less than \$2,000 nor more than \$15,000 or by imprisonment for not less than 1½ years nor more than 12 years or by both such fine and imprisonment.

(c) A violation of this section shall be punished, in the case of a rifle or shotgun that is not a large capacity weapon and the weapon was stored or kept in a place where a person younger than 18 years of age who does not possess a valid firearm identification card issued under section 129B may have access without committing an unforeseeable trespass, by a fine of not less than \$2,500 nor more than \$15,000 or by imprisonment for not less than 1½ years nor more than 12 years or by both such fine and imprisonment.

(d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a large capacity weapon, firearm or machine gun that was stored or kept in a place where a person younger than 18 years of age may have access without committing an unforeseeable trespass, by a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for not less than 4 years nor more than 15 years or by both such fine and imprisonment.

SECTION 65. Section 131M of said chapter 140, as so appearing, is hereby amended by striking out, in line 12, the words “for purposes

of law enforcement”.

SECTION 66. Section 131P of said chapter 140, as so appearing, is hereby amended by striking out, in lines 12 to 17, inclusive, the words “; and provided further, that an applicant for a firearms identification card for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate shall not be required to complete a basic firearms safety course as a prerequisite for receiving such card”.

SECTION 67. Subsection (a) of said section 131P of said chapter 140, as so appearing, is hereby amended by adding the following paragraph:- A current member of the United States military or the Massachusetts National Guard who has not been prohibited under said section 129B from owning a firearm and has received adequate training while serving in the military shall be exempt from being required to submit a basic firearms safety certificate to the licensing authority upon submitting a copy of the member’s most current military identification form.

SECTION 68. Said section 131P of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 2 and 66, the words “Class A or Class B”, each time they appear.

SECTION 69. Said section 131P of said chapter 140, as so appearing, is hereby further amended by adding the following subsection:-

(f) The colonel of state police shall produce and distribute public service announcements to encourage and educate the general public about: (i) safe storage and transportation of weapons pursuant to sections 131C and 131L; and (ii) importance of firearms safety

education and training, including information on places and classes that a person may attend to obtain firearms safety education and training.

SECTION 70. Said chapter 140 is hereby further amended by inserting after said section 131P the following section:-

Section 131Q. A firearm, rifle or shotgun, large capacity weapon, machine gun or assault weapon used to carry out a criminal act shall be traced by the licensing authority for the city or town in which the crime took place. The licensing authority shall report statistical data, when the data is readily available as determined by the chief of police, including, but not limited to: (i) the make, model, serial number and caliber of the weapon used; (ii) the type of crime committed; (iii) whether an arrest or conviction was made; (iv) whether fingerprint evidence was found on the firearm; (v) whether ballistic evidence was retrieved from the crime scene; (vi) whether the criminal use of the firearm was related to known gang activity; (vii) whether the weapon was obtained illegally; (viii) whether the weapon was lost or stolen; and (ix) whether the person using the weapon was otherwise a prohibited person.

The data shall be reported to the commonwealth fusion center or the criminal firearms and trafficking unit within the division of investigation and intelligence in the department of state police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce an annual report by December 31 of each year regarding crimes committed in the commonwealth using firearms, rifles or shotguns, large capacity weapons, machine guns or assault weapons, including all of the categories of data contained in this section, and shall submit a copy of the report to the joint committee on

public safety and homeland security, the clerks of the house of representatives and the senate and, upon request, to criminology, public policy and public health researchers and other law enforcement agencies.

SECTION 71. Section 3C of chapter 209A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 4 and 5 and line 9, the words “, including a Class A or Class B license,”.

SECTION 72. Said chapter 209A is hereby further amended by inserting after section 3C the following section:-

Section 3D. Upon an order for suspension or surrender issued pursuant to sections 3B or 3C, the court shall transmit a report containing the defendant’s name and identifying information and a statement describing the defendant’s alleged conduct and relationship to the plaintiff to the department of criminal justice information services. Upon the expiration, cancellation or revocation of the order, the court shall transmit a report containing the defendant’s name and identifying information, a statement describing the defendant’s alleged conduct and relationship to the plaintiff and an explanation that the order is no longer current or valid to the department of criminal justice information services who shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System.

SECTION 73. Chapter 215 of the General Laws is hereby amended by inserting after section 56B the following section:-

Section 56C. (a) Notwithstanding any general or special law, to the contrary, the administrative office of the trial court shall transmit an

order of the probate court appointing a guardian or conservator for an incapacitated person under Parts 3 or 4 of Article 5 of chapter 190B, on the grounds that the person lacks mental capacity to contract or manage the person's affairs, and any subsequent order terminating or rescinding the appointment, to the department of criminal justice information services to provide: (i) licensing authorities as defined pursuant to section 121 of chapter 140 with information required or permitted to be considered under state and federal law to conduct background checks for firearm sales or licensing; and (ii) the Attorney General of the United States with information required or permitted under federal law to be included in the National Instant Criminal Background Check System maintained to conduct background checks for firearms sales or licensing. The department shall transmit no more information than is necessary for the purpose stated above and the information shall not be considered a public record under clause Twenty-sixth of section 7 of chapter 4 and section 10 of chapter 66.

(b) A person found to lack the mental capacity to contract or manage the person's affairs may, after 5 years from the date of the finding, file a petition for relief with the probate court that ordered the commitment requesting the court to restore the person's ability to possess a firearm. The court may grant the relief sought in accordance with due process if the circumstances regarding the person's disqualifying condition and the person's record and reputation are determined to be such that: (i) the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting of relief would not be contrary to the public interest. In making the determination, the court may consider evidence from a licensed physician or clinical psychologist that the person is no longer suffering

from the disease or condition that caused the incapacity or that the disease or condition has been successfully treated for a period of 3 consecutive years. Upon the granting of a petition for relief, the administrative office of the trial court shall immediately forward a copy of the order for relief to the department of criminal justice information services for the purposes listed in subsection (a).

SECTION 74. Section 2 of chapter 258E of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 6, the figure “17” and inserting in place thereof the following figure:- 18.

SECTION 75. Section 13D of chapter 265 of the General Laws, as amended by section 177 of chapter 165 of the acts of 2014, is hereby further amended by adding the following paragraph:- Whoever commits an offense under this section and which includes an attempt to disarm a police officer in the performance of the officer’s duties shall be punished by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$1,000 and imprisonment in a jail or house of correction for not more than 2½ years.

SECTION 76. Said chapter 265 is hereby further amended by inserting after section 13M the following section:-

Section 13N. Upon entry of a conviction for any misdemeanor offense that has as an element the use or attempted use of physical force or the threatened use of a deadly weapon the court shall determine whether the victim or intended victim was a family or household member, as defined in section 1 of chapter 209A, of the defendant. If the victim or intended victim was a family or household member of the defendant, the court shall enter the offense, the chapter, section and subsection, if any, of the offense and the relationship of the



defendant to the victim or intended victim upon the records and this entry shall be forwarded to the department of criminal justice information services for inclusion in the criminal justice information system and to provide the attorney general of the United States with information required or permitted under federal law to be included in the National Instant Criminal Background Check System or any successor system maintained to conduct background checks for firearm sales or licensing.

SECTION 77. Section 15A of said chapter 265, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 23, the word “seventeen” and inserting in place thereof the following figure:- 18.

SECTION 78. Said section 15A of said chapter 265, as so appearing, is hereby further amended by striking out, in line 43, the figure “17” and inserting in place thereof the following figure:- 18.

SECTION 79. Section 15B of said chapter 265, as so appearing, is hereby amended by striking out, in line 23, the word “seventeen” and inserting in place thereof the following figure:- 18.

SECTION 80. Said chapter 265 is hereby further amended by inserting after section 15C the following 2 sections:-

Section 15E. (a) Whoever commits an assault and battery upon another by discharging a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun, as defined in section 121 of chapter 140, shall be punished by imprisonment in the state prison for not more than 20 years or by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

Section 15F. (a) Whoever attempts to commit an assault and

battery upon another by means of discharging a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun, as defined in section 121 of chapter 140, shall be punished by imprisonment in the state prison for not more than 15 years or by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

SECTION 81. Section 18 of said chapter 265, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 24, the word “seventeen” and inserting in place thereof the following figure:- 18.

SECTION 82. Section 18B of said chapter 265, as so appearing, is hereby amended by striking out, in line 40, the figure “17” and inserting in place thereof the following figure:- 18.

SECTION 83. Section 19 of said chapter 265, as so appearing, is hereby amended by striking out, in line 23, the word “seventeen” and inserting in place thereof the following figure:- 18.

SECTION 84. Section 21A of said chapter 265, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Whoever commits any offense described in this section while armed with a firearm, rifle, shotgun, machine gun or assault weapon, shall be punished by imprisonment in the state prison for not less than 7 years.

SECTION 85. Section 43 of said chapter 265, as so appearing, is hereby amended by striking out, in lines 53 and 85, the word “seventeen” and inserting in place thereof, in each instance, the following figure:- 18.

SECTION 86. Said chapter 265 is hereby further amended by adding the following section:-

Section 58. Any person who is in possession of a deceptive weapon device as defined in section 121 of chapter 140 during the commission of a violent crime as defined in said section 121 of said chapter 140 shall be deemed to be armed and shall be punishable by penalties set forth in this chapter.

SECTION 87. Section 17 of chapter 266 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Whoever commits any offense described in this section while armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be punished by imprisonment in the state prison for not less than 7 years or in the house of correction for not less than 2 years nor more than 2½ years.

SECTION 88. Section 18 of said chapter 266, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Whoever commits any offense described in this section while armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be punished by imprisonment in the state prison for not less than 7 years or by imprisonment in the house of correction for not less than 2 years nor more than 2½ years.

SECTION 89. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in lines 50 and 52, the word “seventeen” and inserting in place thereof, in each instance, the following figure:- 18.

SECTION 90. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out paragraph (j) and inserting in place thereof the following paragraph:-

(j) For the purposes of this paragraph, “firearm” shall mean any

pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged.

Whoever, not being a law enforcement officer and notwithstanding any license obtained by the person pursuant to chapter 140, carries on the person a firearm, loaded or unloaded, or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of the elementary or secondary school, college or university shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years or both. A law enforcement officer may arrest without a warrant and detain a person found carrying a firearm in violation of this paragraph.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university that fails to report a violation of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than \$500.

SECTION 91. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 188, the words “Class A or Class B”.

SECTION 92. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 212, the figure “17” and inserting in place thereof the following figure:- 18.

SECTION 93. Said chapter 269 is hereby amended by striking out section 10E, as so appearing, and inserting in place thereof the following section:-

Section 10E. Whoever, except as provided by law, in a single transaction or occurrence or in a series of transactions within a 12

month period, knowingly or intentionally distributes, sells, or transfers possession of a quantity of firearms, rifles, shotguns, machine guns, or any combination thereof, shall, if the quantity of firearms, rifles, shotguns, machine guns, or any combination thereof is:

(1) 1 or more, but less than 3, be punished by a term of imprisonment of not more than 10 years in the state prison or by a fine of not more than \$50,000, or by both such imprisonment and fine;

(2) 3 or more, but less than 10, be punished by a term of imprisonment, not to exceed 20 years in the state prison; provided, however, that said sentence shall not be less than a mandatory minimum term of imprisonment of 5 years; and provided further, that said sentence may include and a fine of not more than \$100,000, which shall not be in lieu of the mandatory minimum term of imprisonment;

(3) 10 or more, be punished by a term of imprisonment up to life imprisonment in the state prison; provided, that said sentence shall not be less than a mandatory minimum term of imprisonment of 10 years; and provided further, that said sentence may include a fine of not more than \$150,000, which shall not be in lieu of the mandatory minimum term of imprisonment.

A prosecution commenced under this section shall not be placed on file or continued without a finding and the sentence imposed upon a person convicted of violating this section shall not be reduced to less than the mandatory minimum term of imprisonment, as established in the first paragraph, nor shall any sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory minimum term of imprisonment.

A person convicted of violating this section shall not, until the

individual has served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections 129C or 129D of chapter 127; provided, however, that the commissioner of corrections may, on the recommendation of the warden, superintendent or other person in charge of the correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes: to attend the funeral of a relative, to visit a critically ill relative or to obtain emergency medical or psychiatric services unavailable at said institution. Section 87 of chapter 276 shall not apply to any person, 18 years of age or over, charged with a violation of this section, or to any child between the age of 14 and 18, so charged, if the court is of the opinion that the interests of the public require that the child be tried for such offense instead of being dealt with as a child.

SECTION 94. Section 10F of said chapter 269, as so appearing, is hereby amended by striking out, in line 26, the figure “17” and inserting in place thereof the following figure:- 18.

SECTION 95. Section 10G of said chapter 269, as so appearing, is hereby amended by striking out, in line 33, the figure “17” and inserting in place thereof the following figure:- 18.

SECTION 96. Said chapter 269 is hereby further amended by inserting after section 10H the following 3 sections:-

Section 10I. (a) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into the commonwealth to use the weapon for the commission of criminal activity shall be punished by imprisonment in the state prison for not less than 5 years nor more than 10 years.

(b) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into the commonwealth to unlawfully distribute, sell or transfer possession of the weapon to a prohibited person, as defined in section 131 of chapter 140, shall be punished by imprisonment in the state prison for not less than 10 years nor more than 20 years.

(c) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into the commonwealth to unlawfully distribute, sell or transfer the weapon to a prohibited person, as defined in section 131 of chapter 140, and if the weapon is subsequently used to cause the death of another, shall be punished by imprisonment in the state prison for not less than 20 years.

Section 10J. (a) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or vehicle to steal a firearm shall be punished by imprisonment in the state prison for not more than 5 years or by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(b) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or vehicle to steal a firearm to distribute to a prohibited person, as defined in section 131 of chapter 140 shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(c) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or vehicle to steal a firearm and in the process causes injury of another shall be punished by imprisonment in the state

prison for not more than 10 years or by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

Any motor vehicle lawfully owned or operated by any person convicted pursuant to this section shall be forfeited pursuant to section 24W of chapter 90. All proceeds from the auction of the vehicle shall be deposited into the Public Safety Training Fund established under section 2JJJJ of chapter 29.

Section 10K. (a) Whoever in the nighttime or the daytime breaks and enters any building in which a firearm retailer, wholesaler or manufacturer conducts business shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(b) Whoever in the nighttime or the daytime breaks and enters any building in which a firearm retailer, wholesaler or manufacturer conducts business with the intent to unlawfully obtain a firearm, rifle, shotgun, machine gun or ammunition shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(c) Whoever unlawfully obtains a firearm, rifle, shotgun, machine gun or ammunition by means of breaking and entering, in the nighttime or the daytime, any building in which a firearm retailer, wholesaler or manufacturer conducts business and who unlawfully distributes said firearm, rifle, shotgun, machine gun or ammunition shall be punished by imprisonment in the state prison for not more



than 20 years or by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

SECTION 97. Said section 58A of chapter 276 of the General Laws, as appearing in the 2012 Official Edition, is hereby further amended by inserting after the words “chapter 90”, in line 16, the following words:- , or convicted of a violent crime as defined in said section 121 of said chapter 140 for which a term of imprisonment was served and arrested and charged with a second or subsequent offense of felony possession of a weapon or machine gun as defined in section 121 of chapter 140.

SECTION 98. (a) For purposes of this section, a person has been determined by a court, board, commission or other lawful authority to pose a serious risk of harm if the person was:

(i) involuntarily committed to a psychiatric hospital pursuant to sections 7, 8 or 18A or subsection (e) of section 12 or subsection (b) of section 15 of chapter 123 of the General Laws;

(ii) involuntarily committed for alcohol or substance abuse treatment under section 35 of chapter 123 of the General Laws;

(iii) committed as a sexually dangerous person pursuant to chapter 123A of the General Laws;

(iv) adjudicated incompetent to stand trial or not guilty by reason of mental illness under sections 15 or 16 of chapter 123 of the General Laws;

(v) found not guilty by reason of lack of mental responsibility pursuant to Article 50a of the Uniform Code of Military Justice, 10 U.S.C. § 850a; or

(vi) found not guilty by reason of lack of mental capacity or

mental responsibility pursuant to Article 76b of said Uniform Code of Military Justice, 10 U.S.C. § 876b.

(b) Notwithstanding section 36 of chapter 123 of the General Laws and, to provide a licensing authority as defined in section 121 of chapter 140 of the General Laws with information required or permitted to be considered pursuant to state law to conduct background checks for firearms sales or licensing and to provide the attorney general of the United States with information required or permitted under federal law to be included in the National Instant Criminal Background Check System maintained to conduct background checks for firearms sales or licensing, the department of mental health shall, within 180 days of the effective date of this section, transmit to the department of criminal justice information services sufficient information to identify all persons known to the department to have been, within 20 years preceding the effective date of this section: (i) committed to psychiatric hospital, including commitments for mental illness pursuant to section 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of section 15 or subsection (b) or (c) of section 16 of said chapter 123 of the General Laws or a commitment for substance abuse or alcoholism pursuant to section 35 of said chapter 123 of the General Laws; or (ii) determined by a court, board, commission or other lawful authority to pose a serious risk of harm.

The department shall provide no more information than is necessary for the purpose stated above and the information shall not be considered a public record under clause Twenty-sixth of section 7 of chapter 4 of the General Laws.

**SECTION 99.** Notwithstanding any general or special law to the

contrary, a person licensed pursuant to section 122 of chapter 140 of the General Laws shall, within 180 days of the effective date of this section, obtain from the department of criminal justice information services all available criminal offender record information, as defined in section 167 of chapter 6 of the General Laws and authorized pursuant to clause (31) of subsection (a) of section 172 of said chapter 6, for current employees to determine the continued suitability of employees who may have direct and unmonitored contact with firearms, shotguns or rifles.

SECTION 100. There is hereby established a task force to consist of: the secretary of the executive office of public safety and security or a designee; the commissioner of public health or a designee; 1 person selected by the Gun Owners' Action League, Inc.; 1 person selected by the Massachusetts Chiefs of Police Association; 1 person selected by the committee for public counsel services; 1 person selected by the National Alliance on Mental Illness of Massachusetts, Inc.; and 1 person appointed by the Massachusetts District Attorneys Association.

The task force shall study and report on suitable and feasible options for the safekeeping of a distressed person's firearms in a location away from the household, by his or her relations or community nongovernmental organizations including, but not limited to, legal protections for: (1) private citizens acting as good samaritans, who are of direct relation to the distressed person by family or affection; (2) turn-in and temporary storage of a distressed person's firearm by a licensed gun store or gun club; (3) and turn-in and temporary storage of a distressed person's firearm by any other type of organization or facility under registration as a firearms safe harbor.

The task force shall be provided with quarters in the state house or

elsewhere and may: (i) expend for expenses and for expert, legal, clerical and other assistance such sums as may be appropriated therefor; (ii) travel within the commonwealth; and (iii) hold hearings. Private or executive meetings of the task force shall be open to the public unless a majority of the members of the task force shall vote otherwise. A notice of each such meeting shall be filed with the clerk of either branch, and the notice or a copy thereof shall be publicly posted in the office of such clerk at least 24 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays.

The task force shall report the results of its study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the report with the clerks of the house of representatives and senate on or before July 31, 2015. The clerks of the house of representatives and senate shall forward the report to the chairs of the joint committee on public safety and the chairs of the joint committee on mental health and substance abuse.

SECTION 101. Notwithstanding any general or special law to the contrary, neither a licensing authority as defined in section 121 of chapter 140 of the General Laws nor the colonel of state police shall issue, renew or accept application for a Class B license to carry pursuant to sections 131 or 131F of said chapter 140 as of the effective date of this section; provided, however, that any Class B license issued pursuant to said sections 131 or 131F of said chapter 140 prior to the effective date of this section shall remain in effect, subject to any restrictions or conditions set forth in any general or special law until the date on which the Class B license is set to expire or July 31, 2020, whichever occurs first; and provided further, that any application for renewal of a Class B license filed after the effective date of this

section shall not extend the license beyond the stated expiration date pursuant to said section 131 of said chapter 140 and the Class B license shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of issue or January 1, 2021, whichever occurs first.

SECTION 102. The department of public health, in consultation with the center for health information and analysis, shall develop an implementation proposal and spending plan to create a data warehouse, linking relevant private and public data systems in order to receive near real-time data feeds from vital records, hospitals and other clinical partners. In the proposal, all efforts shall be made by the department and the center to limit duplicative reporting requirements by vital records, hospitals and other clinical partners. The proposal shall: (i) streamline the operation of applicable institutional review boards; (ii) engage academic partners to help support surveillance and evaluation activities; (iii) amend the department's reporting functions in order to allow for expedited reporting based on partially complete but statistically reliable data; and (iv) set forth the timeline for implementing the data warehouse. The warehouse shall be subject to the federal Health Insurance Portability and Accountability Act of 1996, 42 CFR Part 2 and all other applicable state and federal laws governing the confidentiality of personal data.

The department, in consultation with the center, shall submit the implementation proposal and spending plan, as well as any additional legislative language necessary to implement the data warehouse project, not later than December 1, 2014, to the house and senate committees on ways and means, the joint committee on public safety and homeland security, the joint committee on health care financing

and the joint committee on public health.

SECTION 103. The board of registration of psychologists shall amend its regulations to include schools as health service training program sites to accrue supervised health service training hours applicable to licensure as a doctoral level psychologist with certification as a health services provider. Eligible training at a school site shall occur as part of a formal training affiliation between a school and an organized integrated training program; provided, however, that the organized integrated training program may provide a licensed psychologist to supervise doctoral trainees in clinical psychology if a school does not have a licensed psychologist as a member of the school staff.

SECTION 104. Notwithstanding any general or special law to the contrary, the chief of police in each city or town shall make reasonable efforts to enter into a memorandum of understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice to analyze firearms trace data.

SECTION 105. The safe and supportive schools commission established under subsection (g) of section 1P of chapter 69 of the General Laws shall conduct its first meeting not more than 90 days after the effective date of this act.

SECTION 106. Notwithstanding any general or special law to the contrary, the initial safe and supportive schools framework, as required under subsection (b) of section 1P of chapter 69 of the General Laws shall be consistent with the framework recommended by the behavioral health and public schools task force created under section 19 of chapter 321 of the acts of 2008.

SECTION 107. By December 3, 2014, the department of

elementary and secondary education, subject to appropriation, shall adopt rules and regulations pursuant to section 95 of chapter 71 of the General Laws requiring that all public school districts shall provide suicide awareness and prevention training. School personnel hired after the effective date of this section but before December 3, 2014 shall obtain the training by March 4, 2015.

SECTION 108. Sections 1, 3, 5, 6, 7, 8, 9, 10, 13, 15, 16, 17, 18, 19, 25, 27, 30, 31, 34, 36, 38, 39, 40, 42, 43, 44, 45, 48, 50, 51, 53, 56, 57, 61, 62, 64, 69, 70, 72, 73, 75, 76, 80, 84, 87, 88, 90, 96 and 97 shall take effect on January 1, 2015.

SECTION 109. Sections 28 and 29 shall take effect on March 1, 2015; provided, however, that the chief information officer of the commonwealth, in conjunction with the secretary of public safety and security, shall procure any necessary information technology services to implement the real time web portal pursuant to said section 29 by October 1, 2014.

SECTION 110. Section 11 shall take effect on July 1, 2015.

SECTION 111. The first report under clause (10) of section 18 <sup>3</sup>/<sub>4</sub> of chapter 6A of the General Laws shall be due not later than March 1, 2016.

SECTION 112. Sections 23, 24, 33, 35A, 35B, 41, 46, 47, 49, 52, 54, 58, 59, 60, 63, 68, 71 and 91 shall take effect on January 1, 2021.

Approved, August 11, 2014.